

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANNETTE MCEACHIN,

Plaintiff,

vs.

Case No. 21-

RELIANCE STANDARD LIFE
INSURANCE COMPANY,

Defendant.

_____ /

DONALD W. BUSTA, JR. (P67544)

Attorney for Plaintiff

LEVINE BENJAMIN, P.C.

100 Galleria Officentre, Suite 411

Southfield, Michigan 48034

Phone (248) 352-5700

dbusta@levinebenjamin.com

_____ /

PLAINTIFF'S COMPLAINT

NOW COMES Plaintiff, ANNETTE MCEACHIN, by and through her attorneys, DONALD W. BUSTA, JR, and LEVINE BENJAMIN, P.C., and for her Complaint against Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY states as follows:

1. At all times, relevant hereto, Plaintiff, ANNETTE MCEACHIN, is a resident of the Village of Carsonville, County of Sanilac and State of Michigan.

2. At all times, relevant hereto, Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY, is a foreign insurance corporation in good standing and continuously conducting business throughout the State of Michigan.

3. At all times, relevant hereto, Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY, was compensated for and provided Long-Term Disability coverage pursuant to the terms of a group employee benefits plan provided for the benefit of Plaintiff, ANNETTE MCEACHIN, and other employees, by their employer.

4. The Long-Term Disability insurance policy issued by Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY, is a group employee benefit plan covered by and within the meaning of the Employee Retirement Income Security Act ("ERISA"), 29 U.S.C. § 1001 et seq.

5. The terms of said contract of insurance obligated Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY, to provide Plaintiff, ANNETTE MCEACHIN with Long-Term Disability Benefits, in the event that Plaintiff was rendered unable to work due to injury, disease or other medical condition.

6. That Plaintiff, ANNETTE MCEACHIN, suffers from impairments including but not limited to: disorders of the cervical spine, status post November 3, 2018 decompression and fusion at C4-C7 and status post October 6, 2021 fusion at C4-C7, disorders of the lumbar spine, status post January 27, 2020 fusion at L3-L5 and laminectomy at L5-S1, migraines and obstructive sleep apnea resulting in limitations and restrictions that continue to make it impossible for her to work.

7. Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY, has wrongfully terminated Plaintiff's Long-Term Disability Benefits.

8. Defendant's termination of benefits was arbitrary and capricious and was contrary to medical and other evidence that overwhelmingly supports Plaintiff's claim of total and permanent disability. Defendant's refusal to continue paying Plaintiff's benefits therefore amounts to a breach of the contract for insurance.

9. Plaintiff, ANNETTE MCEACHIN, has exhausted all required appeals and/or reconsideration processes provided by Defendant; nevertheless, Defendant refuses to resume payment of benefits rightfully due and owing to Plaintiff.

10. Plaintiff, ANNETTE MCEACHIN, is a person empowered to bring a civil action under 29 U.S.C. § 1132(a)(1)(B) to force the Defendant to comply with the Act and pay Long-Term Disability Benefits to Plaintiff.

11. 29 U.S.C. § 1132(a)(1)(B) reads as follows:

(a) Persons Empowered to Bring a Civil Action
A civil action may be brought –

(1) by a participant or beneficiary –

(B) to recover benefits due to her under the terms of the plan, to enforce her rights under the terms of the plan, or to clarify her rights to future benefits under the terms of the plan[.]

12. As a result of Defendant's wrongful termination of Long-Term Disability Benefits, Plaintiff, ANNETTE MCEACHIN, has sustained the following damages, including, but not limited to:

(a) Loss of past, present and future income in the form of wage loss compensation benefits;

WHEREFORE, Plaintiff, ANNETTE MCEACHIN, prays for Judgment in her favor and against the Defendant, RELIANCE STANDARD LIFE INSURANCE COMPANY, in whatever amount she is found to be entitled, in addition to costs, interest and attorney fees.

Respectfully submitted,

LEVINE BENJAMIN, P.C.

/s/ DONALD W. BUSTA, JR
Attorneys for Plaintiff
100 Galleria Officentre, Suite 411
Southfield, MI 48034
Phone (248) 352-5700
dbusta@levinebenjamin.com

Dated: December 3, 2021